

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 RICHARD IDEN,

Case No.3:19-cv-00624-RFB-WGC

4 Plaintiff

ORDER

5 v.

6 NEVADA DEPARTMENT OF
7 CORRECTIONS,

8 Defendant

9 **I. DISCUSSION**

10 On October 10, 2019, Plaintiff, who is an inmate in the custody of the Nevada
11 Department of Corrections (“NDOC”), filed a Notice of Intent 42 U.S.C. § 1983 Civil Rights
12 Complaint. (ECF No. 1). On October 15, 2019, this Court ordered Plaintiff to file a
13 complaint and a fully complete application to proceed *in forma pauperis*, including an
14 inmate account statement for the past six months and a properly executed financial
15 certificate, or pay the full \$400 filing fee for a civil action within thirty (30) days from the
16 date of that order. (ECF No. 3 at 2). On November 6, 2019, Plaintiff filed a motion for an
17 extension of time to comply with ECF No. 3 order, because he had not yet received his
18 required financial documents from the NDOC yet. (ECF No. 4 at 1). On November 13,
19 2019, this Court granted Plaintiff’s motion for an extension of time and ordered Plaintiff to
20 file a complaint and a fully complete application to proceed *in forma pauperis* with
21 complete financial attachments or pay the full \$400 filing fee for a civil action within thirty
22 (30) days from the date of that order. (ECF No. 5). Thereafter, on November 22, 2019,
23 Plaintiff filed a “Notice of Compliance” and attached a financial certificate and an inmate
24 account statement for the past six months. Plaintiff’s filings remain incomplete. Plaintiff
25 has still not filed a complaint in this matter or a fully complete application to proceed *in*
26 *forma pauperis* on this Court’s approved form.

27 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
28 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff one final

opportunity to submit a complaint to this Court within thirty (30) days from the date of this order.

Further, under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* on this Court's approved form and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted one final opportunity to file an application to proceed *in forma pauperis* on this Court's approved form and attach both an inmate account statement for the past six months and a properly executed financial certificate, or in the alternative, pay the full filing fee for this action. If Plaintiff fails to comply with this Court's order within thirty (30) days from the date of this order, the Court will dismiss this case in its entirety, without prejudice, to file a new case when Plaintiff is able to file a complaint and file an fully complete application to proceed *in forma pauperis* on this Court's approved form and attach both an inmate account statement for the past six months and a properly executed financial certificate, or in the alternative, pay the full filing fee for this action.

II. CONCLUSION

IT IS ORDERED that on or before **Friday, January 3, 2020**, Plaintiff will submit a complaint to this Court.

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court will also send Plaintiff a copy of his Notice of Intent. (ECF No. 1).

IT IS FURTHER ORDERED that on or before **Friday, January 3, 2020**, Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on this Court's approved form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the

1 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
2 document entitled information and instructions for filing an *in forma pauperis* application.

3 IT IS FURTHER ORDERED that If Plaintiff fails to comply with this Court's order
4 within **thirty (30) days** from the date of this order, the Court will dismiss this case in its
5 entirety, without prejudice, to file a new case when Plaintiff is able to file a complaint and
6 an application to proceed *in forma pauperis* on this Court's approved form and attach both
7 an inmate account statement for the past six months and a properly executed financial
8 certificate, or in the alternative, pay the full filing fee for this action.

9 DATED this 4th day of December, 2019.

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UNITED STATES MAGISTRATE JUDGE